THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 8768 of 2007

26-04-2007

Between:-

Ajay Agarwal

Petitioner

And

The Chairman Railway Board,
South Central Railway,
Railway Bhawan, New Delhi and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 8768 of 2007

Oral order:

The writ petition is misconceived. It is directed against the tender notification dated 01-03-2007 issued by the fourth respondent insofar as Platform Nos. 5 and 6 at Guntakal Railway Station are concerned.

By the impugned notification, applications are invited from unemployed youth, women and physically handicapped persons having a disability of 40% and above including the blind for installation and operation of STD/ISD/FCO/FAX/Internet Booths at several railway stations mentioned in the notification. Insofar as platform Nos. 5 and 6 of Guntakal Railway Station are concerned, these are shown to be reserved in favour of 'Women'.

The petitioner was allotted a space at Guntakal

Railway Station for installation of STD/PCO telephone booth by the South Central Railway in the year 1998 and he has been continuing ever since. His current license enures upto 27-04-2007. As the petitioner's license to run the STD/PCO telephone booth is about to expire, the impugned tender notification is issued and Platform Nos. 5 and 6 at Guntakal Railway Station are reserved in favour of 'Woman.'

Reservation is a policy that is within the spectrum of discretion of the railways. The petitioner does not challenge the prescription of reservation on any Constitutional or legal grounds. His only grievance is that as the impugned notification reserves Platform Nos. 5 and 6 at Guntakal railway Station in favour of 'Women', he is ineligible to compete. If the reservation policy is valid, as must be presumed, then the deprivation of an opportunity to the petitioner is a lawful deprivation.

There is another reason why the writ petition must fail. The South Central Railway is not impleaded as a party respondent to this writ petition. Only the Chairman Railway Board, South Central Railway, New Delhi; the Chief Commercial Manager, South Central Railway, Secunderabad; the Senior Divisional Railway Manager, South Central Railway, Guntakal and Divisional Railway Manager (Commercial), South Central Railway, Guntakal are impleaded. These are not instrumentalities of the State.

On the aforesaid analysis, the petitioner's grievance has no legal basis. The writ petition must fail. Accordingly, the writ petition is dismissed at the stage of admission. No costs.

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GODA RAGHURAM, J

Dated:26-04-2007
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